

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL CASTILLO,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

24-CV-5939 (JGK)

22-CV-6894 (JGK)

19-CR-428-2 (JGK)

ORDER

JOHN G. KOELTL, United States District Judge:

On July 30, 2024, the Court received, from Michael Castillo, a "Motion to Amend 28 U.S.C. § 2255 In re: Guilty Plea Was Not Made Knowing and Voluntary." ECF No. 1. The motion arises out of Castillo's judgment of conviction in United States v. Castillo, ECF 1:19-CR-482-2, 105 (JGK) (S.D.N.Y. Oct. 21, 2021). The Clerk's office assigned the motion a new civil docket number, 24-CV-5939 (JGK).

Castillo has a Section 2255 motion pending in this court that arises out of the same conviction. See Castillo v. United States, No. 22-CV-6894. Castillo filed the identical motion in that matter, ECF No. 11, and by order dated August 7, 2024, the Court directed the Government to respond to the motion. Id., ECF No. 12.

Because that motion was already docketed in No. 22-CV-6894, and is under consideration, the Clerk of Court is directed to administratively close this matter without prejudice to the

pending motion in No. 22-CV-6894.

Because Castillo has not, at this time, made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

**Dated: August 13, 2024
New York, New York**

/s/ John G. Koeltl

**JOHN G. KOELTL
United States District Judge**